

00-0-1277

City Council  
Atlanta, Georgia

SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

Z-00-66  
3-8-01

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **3251-3261 Lenox Road, N.E.** be changed from the **PD-H (Planned Development-Housing)** District and the **R-3 (Single-Family Residential)** District to the **RG-3-C (Residential General-Sector 3-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 8 of the 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

### **Conditions for Z-00-66**

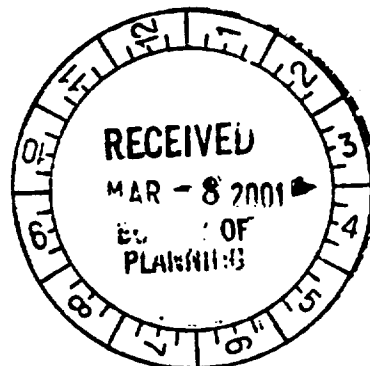
- 1. The attached document entitled "Amendment to Zoning Application (Z-00-66)" marked received by the Bureau of Planning March 8, 2001 is hereby considered a condition of this rezoning and its provisions shall be enforced as such.**
- 2. The sidewalks that are constructed as part of the proposed development shall be at least 6-feet wide.**
- 3. The east landscaped buffer shall be planted with evergreens to form a Continuous, year-round vegetative screen.**
- 4. No land disturbance permit shall be issued until the Department of Public Works certifies that adequate sewer infrastructure is available for the site.**
- 5. The single-family homes that are currently located on the property shall be maintained in good condition by the applicant as single-family dwellings until such time as the land disturbance permit is issued by the Bureau of Buildings.**

**AMENDMENT TO  
ZONING APPLICATION (Z-00-66)**

Applicant has filed Application No. Z-00-66 (the "Application") to amend the City of Atlanta Zoning Ordinance category applicable to the real property described on Exhibit A (the "Property") from PD-H (Planned Development Housing) and R-3 (Single Family Residential) to RG-3-Conditional (Multi-Family Housing, with Conditions).

Applicant does hereby amend the Application, as follows:

1. The Application shall be conditioned upon the following additional conditions:
  - (A) The property shall be developed in accordance with the site plan attached hereto as Exhibit B (the "Site Plan");
  - (B) No disturbance of the Property, the grading of the Property, the removal of trees from the Property, and the construction of any above-grade or below-grade improvements upon the Property, or any of such activity, shall be commenced by Declarant, Owner, or any of their agents, representatives, contractors or successors-in-title (and their respective agents, representatives, contractors or successors-in-title), as to all or any part of the Property, until sewer permits allowing for sewer taps and service serving the entirety of the improvements being or to be developed on the Property pursuant to the Site Plan are issued by the City of Atlanta and all other applicable governing authorities, if any.
  - (C) On-site detention or retention of storm water at the Property shall meet all City of Atlanta development and other requirements, as well as the following additional criteria if they are more restrictive: (i) post-development storm water flow rates shall be a maximum of 80% of the pre-development flow rates for the 2, 5, 10, 25, 50 and 100 year storms; and (ii) storm water runoff will be required to meet or exceed current water quality standards.
  - (D) All above grade parking levels facing Ferncliff Road (on the North), facing Lenox Road (on the West) and facing the St. James Condominium (to the South) shall have full height architectural screening (similar to that used at the "Pinnacle" building) to assure no lights are visible from any adjacent property or sidewalks/streets.
  - (E) There shall not be permitted any variances or special exceptions from the zoning district regulations, whether administrative or otherwise, absent 5 business days' advance written notice to the Neighborhood of the request for such variance or special exception. This instrument shall not be deemed a consent to any variances or special exceptions.
  - (F) Trees in locations where improvements are not to be constructed shall be preserved to the maximum extent possible.



Z-00-66

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**KITCHENS, KELLEY GAYNES**

2014

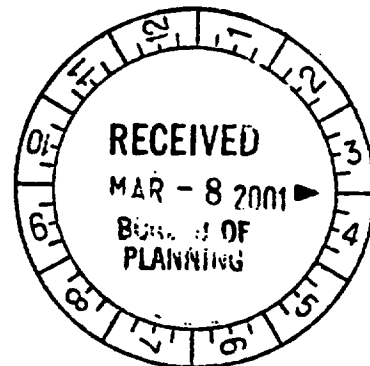
**This 6<sup>th</sup> day of March, 2001.**

**Dillard & Galloway, LLC**

By:

**G. Douglas Dillard, Esq.**

**Attorneys for Applicant**



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2-00-66

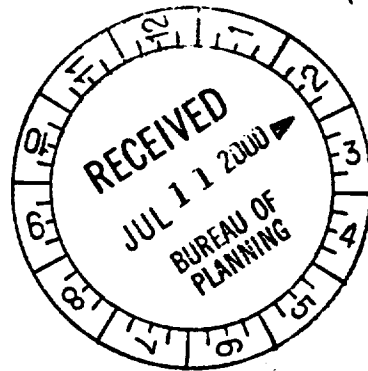
## LEGAL DESCRIPTION

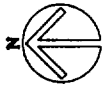
All that tract or parcel of land lying and being in land lot 8 of the 17<sup>th</sup> district, located in the city of Atlanta, Fulton County, Georgia being more particularly described as follows:

Beginning at the northeastern point of the mitered intersection formed by the southerly right of way of Ferncliff Road (50'RW) and the easterly right of way of Lenox Road (RW varies); thence along the southerly right of way of Ferncliff Road South 89 Degrees 47 Minutes 37 Seconds East a distance of 329.47 feet to an iron pin found; thence leaving said right of way South 00 Degrees 46 Minutes 11 Seconds West a distance of 100.04 feet to an iron pin found; thence South 00 Degrees 39 Minutes 13 Seconds West a distance of 149.94 feet to an iron pin found; thence North 89 Degrees 49 Minutes 00 Seconds West a distance of 346.40 feet to an iron pin set which is located on the easterly right of way of Lenox Road; thence along said right of way North 00 Degrees 54 Minutes 46 Seconds East a distance of 149.91 feet to an iron pin set; thence continuing along said right of way North 01 Degrees 12 Minutes 09 Seconds East a distance of 84.66 feet to an iron pin set; thence along the mitered right of way North 45 Degrees 33 Minutes 48 Seconds East a distance of 22.15 feet to an iron pin set which is the True Point of Beginning.

Said tract or parcel of land contains 86,336 square feet ( 1.9820 acres)

00351/lgl





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